

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:40 PM on January 25, 1988, Chairman William Press Presiding.

In Attendance were:

Rae F. Gerstine	John Hewlett	John Demsey
Beatrice Jaffe	Marge Roberts	Chris Demsey
Virginia Shaw	Bill Weible	Carl Falco
Lanier Colgan	Bill Press	Cecilia Vore
Gene Shaw	Tony Colgan	Ted Southwell
Frank Young	Thomas Colgan	Jean K. Brachman
Sarah S. Hamburger	Gail Rinehart	William Theis
Steve Tanzer	Paul Thompson	Bernie Brachman
Shaul Gladstone	George Kazan	Joan Vassar-Williams
Sally Thurston	Betty Knott	Connee Wright McKinney
Don Berman	Ruth Bean	Elizabeth Varley Walker
Ethel Monfort	Lou Bean	Jannie Stearns
Carolyn Liberman	Anne Berlin	Larry Walker
Hugh Roberts	Heddy Salkeld (NV)	Naomi Clark
Aaron Hamburger	Skip Salkeld	Dane Miller
William Bailey	Steven Threefoot	Mary Ann Holcomb (NV)
Mary Ellen Jobson	Ellen Dolmetsch	Sue Drury
Edward Rohrbach	Dan Szurgyjlo	J.D. McCarty
Joan Ware Colgan	Bob Wynn (NV)	Matthew Stearns
Cy Liberman	Don Holcomb	A. Barnes King

Motion: During Town Meeting there shall be breaks every 1 1/2 hours for 5-10 minutes duration. Smokers will smoke outside or in the library with the door shut. Sally Thurston

I do not feel that it is reasonable to allow some participants at town meeting to engage in a practice that disenfranchises others who would like to be there. Smoking is an optional activity, while breathing is not.

There are those in town who have allergies, asthma, emphysema and parts of lungs surgically removed. They, and I, would prefer to have a smoke-free town meeting. Intolerance is not the issue here.

Another factor in this situation is that the Arden Club's insurer has written the policy under the assumption that there is no smoking in Gild Hall. This is a very combustible building due to exposed wooden structural members and lack of drywall. Loss of the building due to a fire related to smoking would not be covered, nor would we have any liability protection.

Asking smokers to smoke in the back of the room is not a solution. It is ineffective since air mixes freely within Gild Hall. Within minutes the smoke is evenly dispersed throughout our meeting area. This practice does not accomplish much and must make those who smoke feel as if they are the victims of some discrimination.

I suggest that a 5-10 minute break every 1 1/2 hours would be appropriate. In the summertime and during pleasant weather, smoking could be outside. In the winter, perhaps smokers could use the library with a window open, closing the door to the Rae Gerstine room. Non-smokers would also benefit from taking several breaks during long meetings.

One can choose whether or not to attend a Saturday night dinner or other social activity. Residents of Arden are



entitled to attend town meeting.

Discussion:

A break is detrimental to the flow of the meeting and will prolong the meeting. Smoking in the back is a good compromise, especially in June and September when ventilation is good. Some residents favored no smoking and no break. Smoking is a fire hazard. A break is good for all of us when concentration wanes.

Motion passed. 31 aye, 12 nay.

Minutes of the September Assembly approved.

Communications

Letter from DELMARVA Power thanking Arden for its cooperation during its construction season. Special thanks to Woodrow Vandever as a useful liaison.

Letter from the Medical Center of Delaware offering a referral service called NEED-A-PHYSICIAN.

A magazine called MID-ATLANTIC COUNTRY LIVING visited Arden in December and did a feature article. The February issue is just out, copies will be sent to the secretary.

TRUSTEES - Shaul Gladstone

The Board of Trustees met on January 2, 1988. The new Trustee, Gail Rinehart, was welcomed. Steps have been taken to revise all bank and investment signature cards to include her name. A safety deposit box maintained by the Trustees appears to be unnecessary at this time and will be relinquished.

The rent list has been updated with respect to areas, domiciles, and other details. There was some question with respect to interpretation of the intent of the Assessors' Report with reference to the Harvey Road factor. A letter of clarification was requested and received from the Chairman of the Board of Assessors. Based on this letter, and the report, all corner lots on Harvey Road are subject to a negative factor of 5%, and non-corner lots are subject to a negative factor of 10%.

Since implementing a change in the County computer system, the possibility of duplicate tax payments appears to have almost disappeared. The Trustees are investigating one claim dating back to 1986. As additional insurance against the re-emergence of this problem, the Board is drafting a statement to be attached to all lease transfers. The purpose will be to draw the attention of all lawyers, real estate agents, and mortgage companies to the terms of lease, and to request that they not pay any New Castle County tax bill which they may receive inadvertently. In addition, all Arden land rent bills have been modified partially along the lines suggested by Steve Threefoot. This modification consists of a statement which explains the Arden tax situation. The new Land Rent bills will be prepared and mailed shortly.

The additional suggestions by Mr. Threefoot involving the inclusion of County taxes and assessments on the Rent Bill have not been implemented. It was decided that such information would only serve to confuse the matter. We are currently computerizing the entire Arden tax situation and the information can be made available in a separate report when the computer project is completed.



A joint meeting with the Community Planning Committee was held on January 17. The purpose was to start to develop a consensus on the broad aspects of Arden land use including zoning, lot-splitting, variances, our position vis-avis the New Castle County Board of Adjustment, and other factors which may impact on the quality of life in Arden. When, and if, such a consensus develops, policies will be drafted.

#### ASSESSORS - Cy Liberman

The new Board of Assessors is very much the same as last year's model. All six of the seven members who ran were reelected. We have held our first meeting. I am chairman again and Harold Monfort is secretary again. It will come as no surprise that this board is in general agreement on following the principles adopted last year. However, the board wants to hear from the community and has scheduled three public hearings, including one to be held before we get started on our work. That early meeting will be held March 29. Later meetings, as required by the charter, will be held May 24 and June 1. These sessions will be at 8 PM at the Buzz Ware Village Center. Please come and tell us what you think about any aspect of our work in determining the land rent on Arden leaseholds.

#### BUZZ WARE VILLAGE CENTER - Bill Theis

The committee has purchased 18 more chairs for the Village Center. These have comfortable plastic seats and can be stacked for storage. They improve the usefulness of Room Four at the center, where various town committees and other groups hold meetings. The chairs cost \$504. Of that amount, \$300 was a gift from the Hanby Corner Fire and Ambulance Company and the other \$204 came from village funds.

Since the last Town Meeting a total of 20 meetings and classes have been held at the center.

We have one policy matter to bring to your attention. When the Wilmington Montessori Association moves out of our building the town must make a decision on whether we want to take over the temporary additions to our masonry building put on by the association. These are the so-called "modules" containing classrooms. The unanimous recommendation of the committee is that the village should decline to keep the modules and instead have the Sherwood Green restored to its former size. Under our agreement the association is responsible for returning the site to its original condition if the village so desires. The committee is not asking for a decision at this meeting; we are asking you to think about it and to make a decision at a future meeting. There is plenty of time; the association expects to continue to use our building for another four to five years before they are able to complete the second phase of their building program.

#### PLAYGROUND - Larry Walker

During the past quarter, the required playground equipment inspections were made and any necessary repairs completed. All of the equipment is in safe condition and in good repair. The Playground Committee accepted a donation of two cubic yards of root mulch from the Wilmington Montessori Association.



This will be spread under the swings on both the Sherwood Green and the Village Green.

The principal maintenance project for the Playground Committee for 1988 will be the repainting of the equipment. Because most of the equipment is of commercial grade, it was manufactured with a galvanized coating on most of the metal parts. The lack of paint will not damage the equipment, but a new coat of paint improves the appearance considerably.

If anyone has any suggestions for new playground equipment, please contact a member of the committee; we will consider your request.

#### Discussion:

A second toddler swing seat was requested on the Sherwood Green. The committee will consider the request.

Please don't paint playground equipment on the first day of ACRA.

#### REGISTRATION - Virginia Shaw

There are 403 residents eligible to vote at this meeting.

Since the last Assembly, the committee held two referenda. The first, October 6-28, 1987, concerned the nomination of a Trustee to replace Cecil Liberman, resigned. The nominee, Gail Rinehart, was confirmed by a vote of 243 Yes, 41 No from a registration of 397 residents.

Immediately following the count on the Trustee, we distributed ballots for the election of Assessors and approval of the budget. The Assessors chosen are: Cecil Liberman, Temma Tanzer, Eugene Shaw, Harold Monfort, Hugh Roberts, Aaron Hamburger, and Ruth Holcomb, with Tom Colgan as alternate. The budget passed as submitted. Because several voters have expressed interest in the totals for and against specific items in the budget, we have posted a photocopy of the final count on the budget ballot in the hall tonight.

Samples of the restructured ballot for the March committee elections were presented. We hope this will expedite the vote count.

#### SAFETY - Tim Colgan

As reported in the past, the Safety Committee has made repeated attempts to the State Highway Department to have a "no right turn on red" sign erected on Marsh Rd. heading towards Naamans at the intersection with Sherwood and Harvey. Due to the unresponsiveness of the department, Rep. Gwynne Smith has been contacted and has agreed to use her office to help us with this matter.

The Stop sign on Hillside Rd. at the intersection with Millers has been stolen and will be replaced as soon as weather permits.

The New Castle County Police Dept. has been contacted about our desire to re-activate the Town Watch Program. Officer Hank Tobin of the Community Affairs Office will be sending us all correspondence dating back to January 1987 to bring the community up to date. Furthermore, there will be a meeting of all the County Community Watch Programs on February 10, 1988 at Darley Rd. School. The Safety Committee will send a representative and all other interested persons are urged to attend.



There were nineteen reported crimes in Arden in 1987. I have a copy of the N.C.C. Police crime statistics for Arden, Ardentown and Ardencroft and would be glad to let anyone interested read it.

#### COMMUNITY PLANNING - Steve Tanzer & Cecilia Vore

The previous Arden Town Assembly directed the Community Planning Committee to report back to the town at the January meeting on the status of the Wilmington Montessori Association's plans as it pertains to the referendum that committed \$10,000 of town funds to the acquisition of parkland.

Cecilia Vore gave a brief history of this project which was motivated by the need for the three Ardens and Windybush to oppose town house development on the YMCA property at I-95 and Harvey Rd. Success was achieved when WMA bought the property and the four communities appropriated money.

WMA approached the Brandywine Conservancy to aid in the preservation of the back half of the lot through a "conservation easement", in order to make use of the conservancy's fundraising potential which is far greater than the \$35-40,000 of the four communities.

On January 7, 1988, Marie Dugan reported that WMA is "not moving forward" with their plan with the Brandywine Conservancy because WMA cannot at the present time commit themselves to the major fundraising effort involved. The plan is "on the back burner." However, they "hope to keep the property as parkland" and they "will get back to the towns" as soon as any park preservation effort is in place. In the meantime, when asked if WMA had plans to develop the property beyond their use as a school or to sell parts of the property to a developer, Marie Dugan said they have "no plans to move in that direction."

In view of this news and the fact that any plan in the foreseeable future is unlikely to fit the necessarily vague terms of the original referendum, I am going to introduce a motion to return the \$10,000 to the Village treasury and request an appropriate contribution when and if needed.

But first, a reflection on what has actually happened. The towns wanted to fight intensive development of this property and to preserve the woods and streambed on the back half of the land. The towns wanted to see the land used for a church or a school rather than townhouses. That is exactly what we have today. We achieved what we set out to do. Even if we don't write out a check for \$10,000 to buy or protect parkland, we managed to show the developer, real estate company, planning department and county council that our communities are dedicated to preserving our environment and our quality of life. Most importantly, we showed the powers that be that our four communities could mount a united, and therefore formidable, opposition to future development. We should thank Ardencroft, Ardentown, and especially Windybush (who did a lion's share of the work) for sticking together and we should be proud of ourselves. For the present, we have won.

Moved: When and if an effort to preserve this property as parkland exists, the Community Planning Committee shall recommend an appropriate donation from the town, which shall be submitted to the Budget Committee for inclusion in the next possible budget referendum.

INSERT AFTER PAGE 239

## Discussion of Motion on parkland:

The committee will keep watch on what is happening with this property. They will hear of developments through the Brandywine Council of Civic Associations and are bound to learn of any rezoning or fund raising activity.

Can Town Assembly legally negate a referendum? The original referendum conditions are no longer applicable. Changes in circumstances make the referendum null and void. WMA has turned down the money at this point.

The committee was commended for its diligence in this matter.

Motion Carried



The Assembly requested that the Community Planning Committee address the issue of lot-splitting and report back on a timely basis. The committee conducted a well-publicized hearing on this matter in October. Approximately 14 residents, in addition to the committee, attended and additional written testimony was submitted by those who could not attend. We are not prepared to make specific recommendations to the town on this issue at this meeting. However, it is fair to say that a consensus of those present at the October meeting reflected the following four principles:

1. that any proposed lot-splitting must conform to County standards, including the 10,000 sq. ft. minimum
2. that there would be no building of additional domiciles as a result of the splitting
3. that each proposed lot-splitting would be considered on a case-by-case basis and
4. in no event would any final recommendation be made to the Town on this issue until the Community Planning Committee and the Trustees hold a meeting to consider this and other issues of interest to the Trustees.

Our final recommendation came about as a result of a letter from Shaul Gladstone indicating the Trustees' desire to have our committee reconsider Arden's position as applied to County zoning and planning requirements. As a result of this letter, the Trustees and the committee met on January 17 and, upon request of the Trustees, the committee agreed to undertake the assignment of determining whether or not Arden should continue to operate under County auspices or perhaps develop its own comprehensive plan and attendant zoning and planning functions and, if it is determined that Arden should remain under County auspices, to determine whether the Town should develop means to better assure the continuity of the Arden philosophy under County strictures. Since the issue of lot-splitting would be affected by whatever recommendations and action come out of this project, both the Trustees and the Committee felt that action-forcing recommendations were premature at this time. The committee will develop a structure to carry out this project and it goes without saying that the active involvement of the Town will be solicited and will be absolutely imperative to bring forth something of value to the Town. This is the first time in some 20 years that we will be undertaking this sort of comprehensive review.

One specific outgrowth of our meeting with the Trustees is a slight change in the way the committee and the Trustees will address the issue of applications before the Board of Adjustment. The committee had agreed to work with the Trustees in an advisory capacity, whereby the Trustees would notify us of a variance request, we would contact affected neighbors to determine whether there was any opposition and, using the County's own standards, make a recommendation to the Board of Trustees. As a result of our recent meeting, the committee has agreed, where appropriate, to accompany the Board of Trustees to Board of Adjustment hearings to give testimony pertinent to variance requests.

At the last Town Meeting, The Community Planning Committee was given the task of serving as the liaison between interested residents and the County on the Housing Program that the town



has contracted for with the County. I contacted Rita Devlin from the Housing Program and she told me that all any interested person need do is call 571-HOME for information and the appropriate applications. Arden goes on line with the program beginning July 1, 1988 and our committee will publicize information pertaining to the program in the Arden Page and elsewhere prior to that date. Also, Ms. Devlin informed me that the County has a 12 minute slide presentation on the program available for showing at public gatherings. If anyone is interested in viewing this presentation, please let the committee know and we will arrange to show it at one of our committee meetings.

We have received a response from the Delaware Dept. of Transportation on our request for consideration of a traffic light at Harvey and Orleans. According to DELDOT, they conducted a study at the intersection this fall and it did not meet the requisite standard warrants. I will submit for the record a copy of the letter from the Department to Rep. Smith. Two points worth mentioning from the letter:

1. they will do another count next summer when the pool is open and
2. they suggest, as an alternative to signalization, the posting of a crossing guard during peak pedestrian hours.

In response to the apparent consensus expressed at the last town meeting and to the chagrin of no one, we do not propose to bring the Satellite Dish Ordinance back for consideration. However, we do not believe that it is in the best interest of the town when opposition is expressed in the manner of "I am shocked that \_\_\_\_\_ would even consider bringing such a proposal before the Town Assembly." I believe that that kind of opposition has a chilling effect on the exchange of ideas at Town Assembly and, until the Town designates someone as the Sole Repository of Worthy Ideas, I would strongly encourage people to not be intimidated by such tactics and to continue to bring their suggestions for the Town before the Assembly.

Finally, I would like to recognize two examples of service above and beyond the call of duty and to express thanks. First, to Cecilia Vore who, though not a member of our committee, performed yeomanlike work in the thankless task of being our liaison on the Montessori matter. Secondly, a public personal thank-you to Sally Thurston. Sally was our liaison on the lower Gild Hall and pond drainage issue and worked tirelessly on our behalf to resolve practical and aesthetic problems with the proposed project.

Smoking break - 8:55-9:05

CIVIC - Eugene Shaw

Garbage Collection:

Laxton is not willing to reduce his \$42,500 estimate. No one else will bid on behind the house collection. We seem to have four alternatives:

1. add \$2500 to the budget
2. Laxton's alternative bid of \$34,000 for twice-a-week curb pick-up
3. Laxton's alternative bid of \$32,000 for once-a-week curb pick-up
4. return to private collection.



Moved that Town Assembly approve contracting Mr. Laxton to collect Arden's trash twice a week at the curb. The price will be \$34,000 for the 1988/89 season.

Discussion:

Pro: Other beautiful communities do not have behind-the-house service, we are spoiled. Last year, the next lowest bid was for curb service by Bandurski for \$50,000. If we continue to demand this special service, the cost is sure to escalate.

Con: This motion substantially alters the referendum approval of behind-the-house collection; only 33 people voted against this. Were any other bids solicited? No other company is willing to perform behind-the-house pick-up. Will Laxton consider any accommodation for those unable to take cans to the curb? No discussion on this point. Cans at the curb disturb the beauty of Arden. Working people are unable to bring in their cans until evening. Laxton must justify the cost rise; landfill fees are up but not other costs. Laxton does not want to perform this service. We would need firm guidelines for curb service. Civic Committee should have addressed the cost discrepancy at the September meeting before the budget referendum.

Motion Defeated: 15 Aye, 31 Nay

Speed Humps:

We are asking the State Highway Dept. to check Miller Rd. and make recommendations for the need and spacing of speed humps. The committee recommends the use of stop signs in lieu of speed humps on Sherwood Rd. Speed humps now cost \$1,000 each and should be rebuilt whenever the road is resurfaced.

Moved that the Civic Committee be authorized to use funds budgeted for roads to install speed humps on Millers Rd.

Discussion:

Bill Press described the difference between a hump and a bump.

This issue should be decided tonight since now is the time to bid the job. The Highway Dept. does not decide appropriateness. The Highway Dept. recommends against the company who gave us the \$1,000 per hump bid; their contractor would charge \$1,200 per hump. Money has not been appropriated in the budget for this project but the committee has the option of using its road budget this way.

Motion carried: 38 aye, 4 nay

Memorial Grove Drainage Project:

Moved that the Village of Arden request the New Castle County Soil Conservation District to proceed to completion with the Arden Drainage Project as presented to this Assembly. The Village share of the cost is not to exceed \$10,500.



#### Discussion:

A map of the project, drawn by Mr. Askins from the County Soil Conservation District, was presented. It shows the route of the main and side ditch, the stone and solid pipe. There will be perforated openings in the pipe every 25 feet. 6-8 crossovers of the ditch are planned. The lower section from the fence line to the Memorial Garden will be a grass swale to allow for mowing. The whole job is estimated at \$22,615 and the County has tentatively agreed to pay all costs over \$10,500. The swale will be 1 1/2 ft. deep and 12 ft. wide.

The rip-rap stone will average 6 inches in size. Smaller stone would lead to rock throwing. The rip-rap cannot be covered, that would defeat its purpose which is to slow the water flow.

What can we do about the pool backwash? The County maintains it is not appropriate for this water to go into the County sewer system.

#### Motion Carried

The committee thanked Gail Rinehart and Leon Tanzer for all the ground work on this project.

Civic Committee plans to remove plantings from the Arden Green by the backstop at the third baseline. The plantings were unauthorized, are a hazard to baseball players and could interfere with mowing.

Moved that the shrubs on the Green be left there as long as they are not in the way of any recreational activity.

Motion Carried: 21 aye, 20 nay.

#### Request for Variance:

Civic Committee has received a request for a variance of the restriction agreement from the owner of lot #6 bordering Meadow Lane. The owner wants to install a circular driveway, necessitating two curb cuts instead of the one specified in the agreement between the Village of Arden and the original property owners. The committee feels it is not empowered to grant this request since it violates an agreement made by the Village.

#### Discussion:

Don Holcomb, Sr., explained that a circular drive would be a safety measure. Without it, the owner, Don Holcomb, Jr., will have to back onto a narrow roadway. The existing shrubs on the right-of-way hinder vision. Don felt the majority of the Civic Committee agreed with this proposal, though no formal vote was taken at the meeting.

#### Letter from Ethel and Harold Monfort:

The Arden agreement was reached several years ago after considerable effort by the Monforts was successful in preventing the folly of only one combined entrance being included to provide Meadow Lane access for two lots. (Holcomb's lot and its neighbor)



Now Mr. Holcomb wishes to obtain a variance from the County Subdivision Plan and the Arden agreement to permit a second auto access to his lot so as to permit construction of a circular driveway.

The quality of life on Meadow Lane is threatened to a considerable degree by the use which Holcomb intends for his lot. i.e. as the office for his construction company, which will require visits from his employees and/or others many of whom use trucks for transportation. Meadow Lane is not wide enough to allow curbside parking without impeding movement of other vehicles and forcing them to run off the pavement thus destroying the effort of the neighbor across Meadow Lane to maintain a decent border alongside the paved way of Meadow Lane. The presence of these vehicles will very likely interfere with fire truck or ambulance service.

If Mr. Holcomb is to be accommodated and if the neighbors and other users of Meadow Lane are to be protected, we suggest that Mr. Holcomb be allowed a second auto entrance to his lot only if restricted as follows:

1. No bushes are to be removed except as actually required for the entrance.
2. Paved parking within Holcomb's lot is provided by Holcomb for the maximum number of cars and trucks to be accommodated.
3. Holcomb agrees to notify his friends and business visitors not to park on Meadow Lane.
4. Garbage cans are not to be allowed to stand at curbside.
5. Overnight parking of trucks, campers, etc. to be at the rear of the lot away from the Lane.

The Monforts (2121 Meadow Lane across the street) agree to be bound by the same rules.

Any agreement reached between Holcombs and Arden should be in the form of a contract specifying the details and must include provision for enforcement in case of non-compliance and alteration in case of future need.

#### Further Discussion:

This area is zoned residential. In order to operate a construction business there, the owner must apply to the zoning board for a non-conforming use variance.

The original agreement was carefully thought out. Any variance would upset that agreement and could lead to future problems.

If safety is a real issue here, the shrubbery should be cut back.

Town Assembly cannot decide this issue without seeing a detailed diagram of the area.

Request tabled until the March meeting.

The Civic Committee was urged not to plow and salt Pond Road. It has always been a sledding hill. Gene had the hill salted after the last snow because of the dangerously icy condition.

When the committee removed the large oak tree in the Memorial Garden, they left a 30 ft. unsightly stump. Can it be removed?



## OLD BUSINESS

Presentation of Slates for the March Election of Standing Committees:

AUDIT: Bill Bailey, Marianne Cinaglia, Ron Enie, John Hewlett,  
Mary Irons, James Schwaber  
BUDGET: Christine Demsey, Patricia Pyle, Charles Salkeld,  
Frank Young  
BUZZ WARE VILLAGE CENTER: John Demsey, Jean Olson, Sue Rohrbach,  
Bill Theis  
CIVIC: Lou Bean, Mary Ellen Jobson, Ethel Monfort, Gene Shaw  
Steven Threefoot  
COMMUNITY PLANNING: Maria Burslem, John Grimaldi, Ed Rohrbach,  
Sam Starr  
PLAYGROUND: Bill Busch, Ellen Dolmetsch, Jim Farrell, Larry  
Walker  
REGISTRATION: Jean Brachman, Betty Cirker, Lanier Colgan, Bea  
Jaffe, John Dossett, Patricia Press, Virginia  
Shaw, Jannie Stearns  
SAFETY: Don Berman, Tom Colgan, John Hewlett, Barnes King,  
Dan Szurgyjlo, Elizabeth Varley Walker

## NEW BUSINESS

Moved that a duly-elected member of a standing committee will be  
deemed to have resigned

(A) When he or she fails to attend three consecutive regularly  
scheduled committee meetings and

(B) upon notification by the appropriate committee to Chairman  
of Town Assembly.

Such a vacancy will be filled in accordance with existing town  
procedures.

Motion Carried

Meeting Adjourned.

*Sarah Hamblurger*